

9

PATENT
ATTORNEY DOCKET NO. 07678/011003

Certificate of Mailing: Date of Deposit: December 11, 2001

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Sandra Graves
Printed name of person mailing correspondence

Sandra Graves
Signature of person mailing correspondence

TECH CENTER 1600/2900

JAN 22 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joseph Chappell et al.	Art Unit:	1638
Serial No.:	09/514,513	Examiner:	A. Nelson
Filed:	February 28, 2000	Customer No:	21559
Title:	CHIMERIC ISOPRENOID SYNTHASES AND USES THEREOF		

Assistant Commissioner for Patents
Washington, D.C. 20231

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 1.321 AND 3.73(b) TO
OBVIATE AN OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

The owner, the Board of Trustees of the University of Kentucky, a corporation of the State of Kentucky, having a place of business in Lexington, Kentucky, the assignee of the entire right, title, and interest in the above-identified application seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

The Board of Trustees of the University of Kentucky hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-identified application subsequent to the expiration date of U.S. Patent Nos. 5,824,774 and 6,072,045. The Board of Trustees of the University of Kentucky does not disclaim any terminal part of any patent granted on the above-identified application prior to the

01 FC:146

110.00 CH

01/30/2002 GPAYNE 00000003 032095 09514513

expiration date of the full statutory term of U.S. Patent No. 5,824,774 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

The Board of Trustees of the University of Kentucky does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,072,045 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

The undersigned (whose title is supplied below) is empowered to act on behalf of Board of Trustees of the University of Kentucky in making this Terminal Disclaimer. The undersigned further certifies that Board of Trustees of the University of Kentucky is the assignee of the entire right, title, and interest in the above-identified application by virtue of:

- ☒ An assignment from the inventors of the parent patent application U.S. Serial No. 08/631,341, filed April 12, 1996. The assignment of this application was recorded in the Patent and Trademark Office at Reel/Frame 8184/0121 on October 16, 1996. Copies of the assignment and the recordation of assignment are enclosed.

Further, pursuant to 37 C.F.R. § 1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above-referenced patent application. Any patent granted on the above-referenced application or any resulting patent subject to reexamination proceedings shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date:

12/10/01

By:

Donald G. Keach

Printed Name:

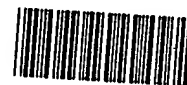
Donald G. Keach

Title:

Director, I.P.

For:

Board of Trustees of the
University of Kentucky



\\Clark-w2k1\documents\07678\011\00\07678.001\003 Terminal Disclaimer.doc

21559

PATENT TRADEMARK OFFICE